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10/519,315	12/23/2004	Gunter Hrazdjira	HRAZDJIRA-1 PCT	9094
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COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER SPAHN, GAY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,315	Applicant(s) HRAZDJIRA, GUNTER	
	Examiner Gay Ann Spahn	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007 & 03 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3,4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04 September 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 04 September 2007 was filed after the mailing date of the first Non-Final Office Action on 04 May 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

The drawings were received on 04 September 2007. These drawings are acceptable to the examiner.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Since many examiners use the title of the invention for searching purposes, the examiner suggests that Applicant amend the title of the invention to one that is clearly indicative of the patentable feature of the invention. Should Applicant choose not to amend the title of the invention, the examiner will amend the title of the invention at the time of allowance, if any (pursuant to the Manual of Patent Examining Procedure (MPEP) § 606.01, wherein it states that "[i]f a satisfactory title is not supplied by the

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applicant, the examiner may, at the time of allowance, change the title by examiner's amendment.").

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, lines 5-6, the recitation of "the sales and presentation region" is vague, indefinite, and confusing as lacking antecedent basis because it is not clear if this is referring back to the "outer sales and presentation region" introduced in lines 2-3 of claim 1 or the "inner sales and presentation region" introduced in lines 3-4 of claim 1.

Claim 4, line 2, the recitation of "multiple rooms" is vague, indefinite, and confusing as lacking antecedent basis because it is not clear if the "rooms" introduced in line 2 of claim 3 are part of these "multiple rooms" or if the "multiple rooms" are in addition to the rooms introduced in claim 3, line 2.

Claim 4, line 6, the recitation of "the sales and presentation region" is vague, indefinite, and confusing as lacking antecedent basis because it is not clear if this is referring back to the "outer sales and presentation region" introduced in lines 2-3 of claim 1 or the "inner sales and presentation region" introduced in lines 3-4 of claim 1.

Claim 6, lines 6-7, the recitation of “the region of the respective lifting and lowering device” is vague, indefinite, and confusing as lacking antecedent basis because no “region of the respective lifting and lowering device” has been previously introduced and if there is only a single lifting and lowering device, the word respective does not apply (i.e., it has not been established in the claim that the second area for sales and presentation has its own lifting and lowering device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over TELLER (U.S. Patent No. 2,764,783) in view of BEASLEY (U.S. Patent No. 6,148,568) in view of RAY (U.S. Patent No. 5,365,704).

As to claim 1, TELLER discloses an area (Fig. 1) for sales and presentations (the structure of TELLER is capable of performing this intended use) having an outer region (10) for sales and presentation (the structure of TELLER is capable of performing this intended use) and an inner region (12) for sales and presentations (the structure of TELLER is capable of performing this intended use) which are arranged in such a way that an essentially annular region (11) is defined between said outer and inner regions (10, 12) for sales and presentation regions (the structure of TELLER is capable of

performing this intended use), wherein said annular region (11) is rotatably mounted in the horizontal direction.

TELLER fails to explicitly disclose that the annular region is divided into ring segments, and a lifting and lowering device is provided over which said ring segments slide in the course of the rotational movement of said annular region and on which said ring segments rest during a standstill of said annular region for moving said ring segments in the vertical direction.

BEASLEY discloses an annular region divided into ring segments (22).

RAY discloses a lifting and lowering device (columns 61, 61, 61 of lift assembly 55) which raise and lower floor segments (32, 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the area capable of sales and presentations of TELLER by: (1) making the essentially annular region be divided into ring segments as taught by BEASLEY in order to be able to more easily move the ring segments for repairs and refurbishments than the entire annular floor; and (2) including a lifting and lowering device to raise and lower the floor segments as taught by RAY in order that the ring segments slide over the lifting and lowering device in the course of the rotational movement of the annular region and rest on the lifting and lowering device during a standstill of the annular region so that the ring segments for moving the ring segments in the vertical direction so that the floor ring segments may be changed for different activities to be conducted on the annular region as well as for refurbishment and repair.

As to claim 3 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the area for sales and presentations of claim 1 as discussed above, and the resulting area for sales and presentations from the combination of TELLER in view of BEASLEY and RAY also discloses that rooms (14, 16, etc. of RAY), into which the ring segments (11 of TELLER divided into ring segments 22 as taught by BEASLEY) may be pushed in the radial direction if the lifting and lowering device (columns 61, 61 of lift assembly 55 of RAY) is correspondingly lowered, are provided below the region (10 or 12 of TELLER) for sales and presentations.

As to claim 4 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the area for sales and presentation of claim 1, and the resulting area for sales and presentation from the combination of TELLER in view of BEASLEY and RAY also discloses that multiple rooms (14, 16, etc. of RAY), into which the ring segments (22 of BEASLEY) may be pushed in the radial direction if the lifting and lowering device (columns 61, 61 of lift assembly 55 of RAY) is correspondingly lowered, are positioned one below another under the region (10, 11/12 of TELLER) for sales and presentations.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over TELLER (U.S. Patent No. 2,764,783) in view of BEASLEY (U.S. Patent No. 6,148,568) in view of RAY (U.S. Patent No. 5,365,704), as applied to claim 1 above, and further in view of GILBERT (U.S. Patent No. 2,182,757).

As to claim 6 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), TELLER in view of BEASLEY and RAY discloses the area for sales and presentations of claim 1.

However, none of TELLER, BEASLEY, and RAY explicitly disclose first and second areas for sales and presentations, wherein the second area for sales and presentations is located adjacent to the first area for sales and presentations, and the respective annular regions of the first and second areas for sales and presentations nearly touch in the region of the respective lifting and lowering device.

GILBERT discloses first and second areas for sales and presentations both having rotating annular regions (12, 13 in Fig. 3) that nearly touch.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the area for sales and presentation of TELLER in view of BEASLEY and RAY by including side by side first and second areas for sales and presentations having rotating annular regions that nearly touch as taught by GILBERT in order to create a visually pleasing and interesting design for users to be able to go in which sales and presentations are being conducted.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, and 4 filed 04 September 2007 have been fully considered but they are not persuasive.

In the last full paragraph on page 17 of the "Amendment in Response to Office Action" filed 04 September 2007, Applicant argues that TELLER fails to disclose or

suggest a sales and presentation area. The examiner disagrees as "sales and presentation area" has been interpreted as "an area for sales and presentation" and the structure (10, 12) of TELLER discloses areas that are capable of performing the intended use of being for sales and presentations.

In the first full paragraph on page 18 of the "Amendment in Response to Office Action" filed 04 September 2007, Applicant argues that BEASLEY fails to disclose or suggest an essentially annular region divided into ring segments. On the bottom of page 18, Applicant argues that because the rotatable floor surface (14) of BEASLEY revolves around a center of rotation as shown in Fig. 1, and not around a inner stationary area, BEASLEY cannot show an annular region divided into ring segments. The examiner disagrees that BEASLEY does not disclose an annular area divided into ring segments. First, the examiner notes that she is only referring to the Fig. 12 embodiment and not the Fig. 1 embodiment and therefore, Applicant's reliance on what Fig. 1 shows is misplaced. Second, the examiner is not relying on BEASLEY to showing an annular region revolving around a stationary inner area because this is shown by TELLER. BEASLEY has only been relied upon to show a rotatable annular region divided into ring segments and since each of panel units (22, 22, etc.) clearly show ring segments, Applicant's arguments are not persuasive. Just because the small end of the ring segments (22) of BEASLEY are covered by trim plate (92) does not mean that the ring segments (22) are not individuals segments of a rotatable annular region.

In the paragraph spanning pages 19-20 of the “Amendment in Response to Office Action” filed 04 September 2007, Applicant argues that RAY fails to disclose sales and presentation areas and ring segments. The examiner notes that RAY has not been relied upon to show areas for sales and presentation or ring segments as these things are disclosed by TELLER and BEASLEY. Next, Applicant argues that RAY fails to disclose “ring segments that slide over the lifting and lowering device in the course of the rotational movement of an annular region and on which the ring segments rest during a standstill of the annular region for moving the ring segments in the vertical direction. The examiner notes that RAY discloses a lifting and lowering device for raising and lowering floor segments in order to change the floor of a complex from one activity to another. According to *KSR International Co. v. Teleflex Inc.*, 550 U.S. _____, 82 USPQ2d 1385 (2007), prior art is not limited to the references being applied, but includes both the specialized understanding of one of ordinary skill in the art, and the common understanding of the layman so that examiners may rely on, for example, official notice, common sense, design choice, and ordinary ingenuity. Therefore, it would have been well within the knowledge of one of ordinary skill in the art to place the lowering and lifting device of RAY under the ring segments so that the ring segments slide over the lifting and lowering device in the course of the rotational movement of an annular region and so that during a standstill of the annular region, the lifting and lowering device may move the ring segments in the vertical direction either for a change of scene or activity in the first and second areas for sales and presentation or for refurbishment and repair of the ring segments.

Based on the foregoing, the examiner is maintaining her rejections of claims 1, 3, and 4 as being obvious over TELLER in view of BEASLEY and RAY.

Applicant's arguments with respect to claim 6 have been considered but are moot in view of the new ground(s) of rejection (i.e., TELLER in view of BEASLEY, RAY and GILBERT)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-

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7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/
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Unit 3635

/gas/
Gay Ann Spahn, Patent Examiner
February 10, 2008